

WSBA REPORT

ACCESS TO JUSTICE TASK FORCE

1992-1993

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I. ISSUES

A. Access to Justice Tops Our Priorities

The Washington State Bar Association's 1989-1990 Long-Range Planning Committee chaired by William H. Gates, Sr. identified access to justice as the number one issue facing the Bar. The Committee pointed out that the public and lawyers alike have a vested interest in the system working. If the legal needs of all people cannot be addressed, then the system as we know it will break down.

The 1989-1990 Long-Range Planning Committee's report tracked earlier recommendations made by two State Bar Pro Bono Task Forces and by the Bar's Legal Aid Committee in 1985 and 1988 reports, all of which found massive and growing unmet civil legal needs among low income people in Washington.

B. Access to Justice Is a Constitutional Right

Supreme Court Justice Robert F. Brachtenbach, 1991, wrote that the right of access to courts is inherent in our court system. John Doe v. Puget Sound Blood Center 117 Wn.2d 772 (1991).

C. Need for Coordination of Access to Justice Organizations

The now famous Ada Shen-Jaffe circle chart illustrates the many different organizations, agencies, and private attorneys involved in providing services to low and moderate income citizens. Despite efforts to coordinate delivery of services, the level and extent of activities is so broad and diffuse that it is impossible to coordinate. As a result, competition for grants or budget dollars occurs. Further, access to justice efforts in this state have been accused of "lurching" "churning," and suffering from a lack of continuity, coordination, and organization. The 1989-1990 Long-Range Planning Committee recommended that there be a "traffic cop" entity to assist in coordinating all of these activities.

D. Need for Continuity and Focus

Those active in the delivery of services to the low and moderate income population of the state recognized the need for a "beacon" as a focal point for access to justice activities. The need exists for an institutionalized entity to provide a forum to address the difficult problems of access to justice, to develop and implement strategies and solutions and to provide a centralized place where access to justice activity can be coordinated, grow and thrive. The institutionalized entity should be within the Bar to serve as a role model of public service and as a hallmark of professionalism.

11. 1992-1993 TASK FORCE PURPOSE, ORGANIZATION, AND COMPOSITION

A. Task Force Established

To address the issues previously identified, successive presidents Joe Delay and Steve DeForest and the Board of Governors established the Washington State Bar Association 1992-1993 Access to Justice Task Force. This Task Force was not to study access to justice problems, but had a very specific purpose. The Task Force was directed to spend one year: a) planning for coordination of services and resources; b) establishment of WSBA's standing Access to Justice Committee, super-committee or department; c) development of a directory of services; d) sponsoring an access to justice conference; e) studying the financial impact of all proposals.

B. Term and Funding

The Task Force was given a one-year term with meetings approximately every two months. Because of severe budget constraints, organizations involved in the access to justice field were asked to fund representatives to the Task Force.

C. Staffing

Because of severe budget constraints on the part of the Bar Association and in recognition of the need, Barbara C. Clark, Executive Director of the Legal Foundation of Washington, volunteered to serve as the staff person for the Task Force.

D. Membership and Representation

- 1) Legal Foundation of Washington -
Barbara Clark, Executive Director
James Fearn, Past President
- 2) LAW Fund - Lauren Moore, Executive Director
- 3) Federally Funded Legal Services Organizations -
 - a) Evergreen Legal Services - Ada Shen-Jaffe, Director
 - b) Puget Sound Legal Assistance Foundation - John C. Purbaugh, Executive Director
 - c) Spokane Legal Services - James A- Bamberger, Director
- 4) Washington State Bar Association Board of Governors -
Thomas J. Chambers, Chair - Access to Justice Task Force

Michael A. Larson
Jan Eric Peterson

- 5) Judiciary -
 Judge Susan Agid, Court of Appeals
 Judge James D. McCutcheon, Jr., Superior Court
- 6) Washington State Pro Bono Network - Cheryl Boal
- 7) King County Bar Association - Joan Andersen, Director of Community Legal Service
- 8) Northwest Women's Law Center -
 Kimberly Reason
 June Krumpotick
- 9) Washington State Legislature - Marlin J. Appelwick, State Rep. and Chair, House Judiciary Committee
- 10) ADR Section -
 Diane Fitz-Gerald
 Ted Hunter
- 11) Family Law Section -
 Kimberly Prochnau
 Howard Marshack
- 12) Legal Aid Committee -
 Mary Ruth Mann
 Marla Elliott
 E. Bronson Potter
- 13) Interested Bar Leaders -
 Paul Bastine
 Lowell Halverson
 Paul Stritmatter
 George Zweibel
- 14) Washington State Law Library - Deborah Norwood, Director
- 15) Washington State Bar Association Staff -
 Mary Elizabeth St. Clair, Public Affairs Director
 Jo Rosner, Pro Bono Coordinator
- 16) Prepaid Legal Services Committee -Paul W. Robben
- 17) Young Lawyers Division -Ruth Edlund

III. TASK FORCE WORK

A. Focus on Task

The Task Force was composed of many bright, talented, articulate and dedicated individuals, many of whom had specific agendas to accomplish. It was a pleasure and a challenge for the chair to keep all of the talent focused on the tasks at hand. It was decided that the first order of business would be to establish a single standing Access to Justice Committee, super-committee or department and to study the financial impact of that proposal.

B. Function of Entity

Before addressing a model, it was necessary for the Task Force to identify exactly what functions and purposes the entity would have before the Task Force could sculpt a model. Although subsequently refined, the following objectives for the entity were initially identified.

- 1) develop effective approaches to coordinating civil access to justice activities and foster the development of a statewide, integrated civil legal services delivery system;
- 2) serve as a repository of information relating to civil legal services issues;
- 3) establish substantive standards for delivery of civil legal services in Washington state;
- 4) develop and implement policy initiatives designed to expand access to justice opportunities for low and moderate income residents of the state of Washington;
- 5) sponsor and facilitate an annual conference of civil legal services providers and those involved in civil access to justice activities;
- 6) secure adequate funding for civil access to justice activities; and
- 7) develop and implement new programs designed to expand access to justice opportunities.

C. Bar Association Committee Versus Totally Independent Entity

Those who have toiled in the access to justice fields for decades were understandably concerned about the creation of a super "traffic cop" coordinating entity under the auspices of the Washington State Bar. The concern was based upon the changing faces that occupy the Bar Board of Governors and staff positions. The political tides can ebb and flow for access to justice issues based upon the political makeup of the Board and staff. However, ultimately a consensus was reached that it was important to have the coordinating entity within the ambit of the Bar because the Washington State Bar Association is best able to provide continuity and the stature which the entity would need to command the respect and cooperation from all access to justice participants.

Considerable debate focused on these issues. It became apparent to all that individual turf issues could be overcome and a consensus developed only if a delicate balance could be achieved which would permit the entity to operate within, cooperate with and yet be independent from the Washington State Bar Association. Subsequent debates on representation, terms of office, funding, and the like, were focused on preserving an appropriate balance between dependence upon and independence from the Bar.

D. Organizational Models

The Task Force discussed models ranging from a department within the Bar Association to a cooperative of subcommittees. ABA and California models were discussed. Judy Garlow, Acting Director of the Legal Services Trust Fund (IOLTA) of California, attended one meeting.

The Task Force focused on two potential models. The first was based upon the California Standing Committee on Access to Justice (SCATJ). The proposal would have co-chairs appointed by the Board of Governors to serve renewable three-year terms and would be composed of seven to nine members serving three-year terms, renewable by appointment of the Board of Governors. SCATJ would establish subcommittees; examples would be 1) pro bono; 2) civil legal services for the poor; 3) special populations with special needs; 4) alternative dispute resolutions; 5) indigent defense; 6) standards for providers of legal services for the poor. It would be the vehicle through which all access to justice kinds of activities would pass to the Board of Governors and would report annually to the Board.

The second model would be an independent board modeled after the Bar's Continuing Legal Education Board. This board would be composed of nine members appointed by the Supreme Court and the Board of Governors for three-year terms. WSBA would be responsible for the costs of staffing and financial support would also come from the Washington Legal Foundation. The Board would be responsible for handling all access to justice issues as delegated by the Washington State Bar Association and the Supreme Court.

In discussing the two models, it became apparent that the only real difference between the two models was that one was an independent board, whereas the other was a standing committee within the Bar Association. No consensus was readily reached, and a melding of the two models was ultimately accomplished.

E. Supreme Court Support

The Task Force felt that support and even leadership from the Supreme Court would be necessary to the success of the Access to Justice Board. Task Force representatives Mike Larson, James Fearn and Ada Shen-Jaffe met with the Supreme Court's Administrative Committee on April 27, 1993. The Administrative Committee is composed of Chief Justice James A. Andersen, Justice Barbara Durham, Justice Charles Z. Smith, and Justice Robert F. Brachtenbach. A presentation was made to the Supreme Court regarding the development of an independent board to coordinate access to justice, and the Supreme Court expressed its encouragement and receptiveness to the work of the Task Force.

IV. TASK FORCE RECOMMENDATIONS

A. Create Access to Justice Board

1. Establishment of Board

The Access to Justice Board shall be established.

2. Purpose

The purpose of the Access to Justice Board is to assure access for low and moderate income residents of the State of Washington to the civil justice system through the delivery of quality legal services. The Board will serve as an effective, efficient, and enduring mechanism for coordinating and developing activities, and to develop and implement policies and initiatives that will enhance, improve and strengthen civil access to justice for low and moderate income

residents of the State of Washington.

3. Objectives

The Access to Justice Board objectives shall include but not be limited to the following:

- Secure adequate funding for civil access to justice activities;
- Develop effective approaches to coordinating civil access to justice activities and fostering the development of a statewide, integrated non-duplicative, civil legal services delivery system;
- Serve as a repository of information relating to civil legal services issues;
- Establish substantive standards for the delivery of civil legal services in Washington state;
- Develop and implement policy initiatives and criteria which enhance the availability of resources and fosters use in a manner which targets areas of greatest and most compelling need designed to expand access to justice opportunities for low and moderate income residents of the state of Washington;
- Address existing and proposed laws, regulations, ordinances, rules and policies in the public and private sectors which may increase or decrease meaningful access to justice for low and moderate income persons.
- Sponsor and facilitate an annual conference of civil legal services providers and those involved in civil access to justice activities;
- Develop and implement new programs designed to expand access to justice opportunities.

4. Affiliation

The Access to Justice Board is to be an independent body operating under the auspices of the Washington State Bar Association in accordance with the authority granted by GR 12(a).

5. Appointment of Members and Term of Membership

Members of the Access to Justice Board will be nominated by the Washington State Bar Association Board of Governors and approved by the Supreme Court. Each member will serve for a term of three years, renewable for a second three-year term. The terms will be staggered, to limit the number of experienced members whose terms will expire in any given year. The Task Force recommends that individuals appointed to initial one-year terms be eligible to serve two additional three-year terms.

6. Size and Composition of Access to Justice Board

The Access to Justice Board will consist of nine (9) members. There will be one representative from each of the following organizations/entities: 1) a designee of the Board of Judicial Administration; 2) the Washington State Bar Association Board of Governors; 3) the Legal Foundation of Washington; 4) the federally-funded legal services programs of Washington state; and 5) the Washington pro bono community. The remaining members will be appointed on the basis of a demonstrated commitment to, and familiarity with, civil access to justice issues, and at least two will be lay persons of low or moderate income. The Task Force recommends that efforts be made to insure that membership of the Board reflects ethnic, gender, geographic and other diversity. It is recommended that the Board of Gover-

nors allow represented organizations to recommend their own candidates to the Board of Governors.

7. Selection of Chairs and Vice-Chairs

Immediately upon appointment, the members of the Access to Justice Board shall select a chair and chair-elect. The chair shall serve a two-year term and be succeeded by the chair-elect upon conclusion of the chair's term. In the event that the term of the chair or chair-elect should expire prior to the completion of the chair or chair-elect's term, that person shall continue to serve until the term expires, even though the effect is to increase the number of members of the Board for that time.

8. Staffing

The Access to Justice Board initially should have two full-time staff members. Staff will administer and advise all Board and committee-related activity and will be responsible, within the general responsibilities delegated by the Board, to develop, implement, and oversee policy initiatives, and serve as liaison between the Board and members of the legal community, justice system, and community-at-large on civil access to justice matters.

9. Committees

The Board may establish such committees as it deems appropriate under the general oversight of the Access to Justice Board. Committees should be established with the goal of being comprehensive and eliminating redundancy. Committees should include non-members of the Board. The Task Force recommends efforts be made to ensure that the membership on committees include a lay person, and that consideration be given in appointment to ethnic, gender, geographic, area of law and practice, and other diversity.

• Committee on Civil Legal Services for the Poor

Functions include: Policy development and implementation on matters affecting the coordination and delivery of civil legal services for the poor; identification and coordination of organizations involved in delivery of civil legal services to low income residents of Washington state; monitoring the effectiveness of the civil legal services delivery system.

• Committee on Volunteer Attorney Involvement

Functions include: Support and assistance in the development and operation of volunteer attorney pro bono programs, including local bar programs; development and implementation of generalized standards for the operation of volunteer attorney direct representation programs; development of new and innovative opportunities for volunteer attorneys to meaningfully contribute to serving the unmet civil legal needs of low and moderate income residents of Washington state.

• Committee on Alternate Dispute Resolution

Functions include: Assessing and evaluating ADR possibilities on matters of general concern to low and moderate income litigants; developing and testing new ADR programs of significance to low and moderate income litigants.

• Committee on Resource Development

Functions include: Developing new and expanded resources to support civil access to justice initiatives; coordinating ongoing resource development initiatives.

• **Committee on Overcoming Impediments to Access to the Justice System**

Functions include: Identifying and developing strategies to overcome legislative, administrative, and judicial rules, practices, and procedures that serve as barriers to civil access to justice for low and moderate income residents of Washington state. Developing new strategies to expand opportunities for low and moderate income residents of Washington state to obtain meaningful access to the civil justice system.

• **Committee on Lawyer Referral Activities**

Functions include: Monitoring the operation and development of programs designed to provide attorney referral services for low and moderate income people. Developing and overseeing common standards for lawyer referral program operations.

• **Committee on Law School Clinical Legal Program Development**

Functions include: Monitoring the development and operation of civil legal clinics at the three law schools in the state and developing programs and standards to effectively integrate these programs into an overall statewide civil legal services delivery system.

10. Elimination of Committees

The Task Force recommends that upon establishment of the Access to Justice Board, that the Board of Governors eliminate committees which may duplicate the Board's activities, such as:

- The Access to Justice Task Force
- The WSBA Legal Aid Committee
- WSBA Board Liaison to Evergreen Legal Services
- WSBA Pro Bono Coordinator

11. Funding and Other Support

Funding for the Access to Justice Board will be provided by the Washington State Bar Association which may seek co-sponsorship from the Legal Foundation of Washington, and other appropriate sources. The Board's offices will be located within the offices of the Washington State Bar Association, such office space to be provided in-kind by the Bar. To the extent practicable, the WSBA will make its staff, meeting rooms, equipment and other resources available to support the activities of the Board. The Board may, in its discretion, contract with the WSBA for the provision of payroll, benefits and other essential administrative services.

12. Annual Reports

The Access to Justice Board will report annually to the Supreme Court, the Washington State Bar Association Board of Governors, and cosponsors such as the Legal Foundation of Washington.

V. BUDGET

A. WSBA & LFW Cosponsorship

Access to justice for low and moderate income Washington residents is a focal responsibility of both the Washington State Bar Association and the Legal Foundation of Washington. The Task Force recognizes that both the Bar and the Legal Foundation are facing nearly unprecedented financial constraints. It is, therefore, incumbent upon both bodies to enter into a cosponsorship agreement to establish the Access to Justice Board. The Task Force recommends that the Bar and the Legal Foundation enter into an agreement to share the expenses of the Access to Justice Board equally.

1. Budget and CLE Model

The Task Force recommends an initial budget of \$90,000. This budget is based upon the Continuing Legal Education Board budget, which most nearly correlates to the Access to Justice Board model. That budget, which is detailed in the following page, provides the salary for approximately 30% of a full-time senior staff person's time and one full-time staff person (or the full-time equivalent of one staff person from other staff). It also provides for \$6,000 in Board expenses, \$2,500 for printing, and \$2,500 for postage. The Task Force urges increasing the budget to provide for two full time staff persons as soon as practical.

VI. AMENDMENT TO GR 12 ACCESS TO JUSTICE BOARD

A. Purpose

Low and moderate income residents of the State of Washington should be assured of access to the civil justice system through high quality legal services. The Access to Justice Board will serve as an effective, efficient, and enduring mechanism for coordinating and developing activities, and to develop and implement policies and initiatives that will enhance, improve and strengthen civil access to justice.

B. Access to Justice Board

There is hereby established an Access to Justice Board (Board) consisting of nine members nominated by the Board of Governors of the Washington State Bar Association and appointed by the Supreme Court, consisting of representatives from the following: Board of Judicial Administration, Washington State Bar Association Board of Governors, Legal Foundation of Washington, federally-funded legal services programs of Washington state, and the Washington pro bono community. The remaining four members will be appointed on the basis of a demonstrated commitment to, and familiarity with, access to justice issues; at least two will be lay persons of low or moderate income. Efforts shall be made to ensure that the membership of the Board reflects ethnic, gender, geographic, and other diversity. The Board shall designate one member as chairperson of the Board who shall serve a term of two years and who shall be eligible for reappointment for one additional 2-year term. Of the Board members first appointed, three shall be appointed for 1 year, three for 2 years, and three for 3 years. Thereafter, appointments shall be for a 3-year term. Board members shall be eligible for reappointment for one additional term. Those individuals appointed to the initial 1-year term may serve two additional 3-year terms. Terms shall end on September 30 of the applicable year.

C. Powers and Duties of the Board

1) The Board shall work to secure adequate funding for civil access to justice activities; coordinate civil access to justice activities and foster the development of a statewide, integrated, non-duplicative, civil legal services delivery system; serve as a repository of information relating to civil legal services issues; establish substantive standards for the delivery of civil legal services; develop and implement policy initiatives and criteria which enhance the availability

of resources; conduct an annual conference of civil legal services providers and others; develop and implement new programs designed to expand access to justice opportunities; address existing and proposed laws and regulations which may affect meaningful access to justice. The Board may adopt rules pertinent to these powers and duties, subject to approval of the Supreme Court.

2) The Board may establish standing and special committees to carry out its duties and purpose.

D. Expenses of the Board

The Board shall submit an annual budget to the Board of Governors. The Board of Governors may enter into agreements with other funding sources in implementing the Board's budget. The Bar Association shall furnish the Board with the necessary office space, staff, and clerical help to carry out its duties.

E. Annual Report

The Board will report annually to the supreme Court, the Board of Governors of the Washington State Bar Association, and any other funding sources.

THE SUPREME COURT OF WASHINGTON

ORDER REAUTHORIZING THE ACCESS TO JUSTICE BOARD

WHEREAS, the Washington judicial system is founded upon the fundamental principle that the judicial system is accessible to all persons, which advancement is of fundamental interest to the members of the Washington State Bar Association.

WHEREAS, responding to the unmet legal needs of low and moderate income people in Washington State and others who suffer disparate access barriers, the increasing complexity of civil legal services delivery, the importance of civil equal justice to the proper functioning of our democracy, and the need for leadership and effective coordination of civil equal justice efforts in our state, the Supreme Court in May 1994 established an Access to Justice Board and directed that the Board operate for an initial two year period.

WHEREAS, the Access to Justice Board's initial accomplishments in the face of tremendous difficulty demonstrated the practical value of coordinated and focused leadership under the auspices of the Supreme Court and led the Court to reauthorize the Access to Justice Board for an extended five-year period;

WHEREAS, the Access to Justice Board is a national model that has proven its value in expanding, coordinating and promoting effective and economical civil legal services delivery for vulnerable low and moderate income people, has developed a track record of significant accomplishments that maximized effective use of limited resources to address the civil legal needs of an increasing poverty population, and has made great strides in enhancing access to the civil justice system in Washington State; and

WHEREAS, the Access to Justice Board serves a critical and ongoing function that is essential to the effective administration of justice for all in Washington State,

Now, therefore, it is hereby

ORDERED:

That the Access to Justice Board is hereby reauthorized and shall continue to be administered by the Washington State Bar Association, and is charged with responsibility to assure high quality access for low and moderate income residents and others in Washington State who suffer disparate access barriers to the civil justice system.

The Access to Justice Board shall consist of nine members nominated by the Board of Governors of the Washington State Bar Association and appointed by the Supreme Court. In making its recommendations, the Board of Governors shall solicit nominations from and include individuals associated with the following groups:

Board for Judicial Administration
Washington State Bar Association Board of Governors
Legal Foundation of Washington
Statewide Staffed Legal Services Programs
Volunteer Legal Services Community

The remaining four (4) members shall be nominated on the basis of a demonstrated commitment to, and familiarity with, access to justice issues.

Of these, not less than one nor more than two members of the Board shall be a non-attorney, beginning with the next vacancy(ies).

The membership of the Board shall reflect ethnic, gender, geographic, and other diversity.

The Board shall designate one member as the chairperson of the Board who shall serve a term of two (2) years and who shall be eligible for reappointment for one additional 2-year term. An individual may continue to serve as chairperson even notwithstanding the expiration of his or her term on the Board.

Appointments shall be for a three (3) year term. Board members shall be eligible for reappointment for one additional term.

The Access to Justice Board shall work to:

- Establish, coordinate and oversee a statewide, integrated, non-duplicative, civil legal services delivery system that is responsive to the needs of poor, vulnerable and moderate means individuals;
- Establish and evaluate the performance and effectiveness of the civil legal services delivery system against an objective set of standards and criteria;
- Promote adequate levels of public, private and volunteer support for Washington State's civil equal justice network;
- Serve as an effective clearinghouse and mechanism for communication and information dissemination;
- Promote, develop and implement policy initiatives and criteria which enhance the availability of resources for essential civil equal justice activities;
- Develop and implement new programs and innovative measures designed to expand access to justice in Washington State;
- Promote jurisprudential understanding of the law relating to the fundamental right of individuals to secure meaningful access to the civil justice system;
- Promote widespread understanding of civil equal justice among the members of the public through public legal education;
- Promote the responsiveness of the civil justice system to the needs of those who suffer disparate treatment or disproportionate access barriers; and
- Address existing and proposed laws, rules and regulations that may adversely affect meaningful access to the civil justice system.

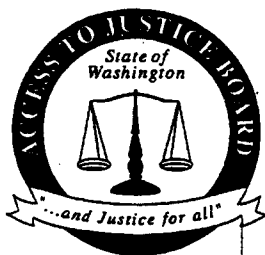
The Access to Justice Board may adopt internal operational rules pertinent to these powers and duties.

The Access to Justice Board shall be funded and staffed by the Washington State Bar Association, which shall have authority to establish a budget and approve expenditures.

The Board shall file with the Supreme Court and the Board of Governors of the Washington State Bar Association an annual report outlining its work during the prior 12 month period.

DATED at Olympia, Washington this 2nd day of November 2000.

BY ORDER OF THE SUPREME COURT



MEMBERS

Hon. Rebecca M. Baker

Christine E. Allen Crowell

Julian C. Dewell

Pamela H. Feinstein

Michele E. Jones

Richard W. Kuhling

Hon. T. W. Small, Chair

Scott A. Smith

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May 1, 2000

Richard Eymann, President
Washington State Bar Association
2101 Fourth Avenue, Fourth Floor
Seattle, WA 98121-2330

RE: WSBA President-Elect

Dear President Eymann:

The Washington State Bar Association has a long history as a partner and supporter of access to justice. Washington State Bar Association leaders such as Bill Gates, Jim Vander Stoep, Jack Dean, Lowell Halverson, Joe Delay, Steve DeForest, Ron Gould, Ed Shea, Tom Chambers, Mary Fairhurst, Wayne Blair – and now you – have elevated our State Bar to a position of national leadership in the area of equal justice. This was clearly demonstrated last year when WSBA received the prestigious ABA/NLADA Harrison Tweed Award for its years of leadership, and support of access to justice in Washington State.

Therefore, the Access to Justice Board again urges the Board of Governors to continue the practice of selecting a WSBA president-elect who has a demonstrated commitment to equal access to justice. Continued WSBA leadership is critical for our state's Access to Justice Network to achieve permanent and stable funding for civil legal services necessary to address the crisis in availability of civil legal services declared by the Board of Governors two years ago. As in the past, WSBA's president will be called upon both locally and nationally as a spokesperson for increased funding for civil legal services, increased donations of time and money by attorneys, and other initiatives to enhance the administration of justice.

Thank you for your careful consideration of this request.

Very truly yours,

Judge T.W. Small, Chair
Access to Justice Board

Cc: Jan Eric Peterson, WSBA President-Elect
WSBA Board of Governors
M. Janice Michels, WSBA Executive Director
Access to Justice Board

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**ACCESS TO JUSTICE NETWORK PRESENTATION TO THE BOARD OF GOVERNORS**  
**OCTOBER 28, 2000, 9:00 A.M. - 11:30 A.M.**  
**HAMPTON INN, RICHLAND, WASHINGTON**

**OVERVIEW AND INTRODUCTIONS (2 MINUTES)**

JUDGE CHIP SMALL, ACCESS TO JUSTICE BOARD CHAIR

**PROPOSED ACCESS TO JUSTICE BOARD ORDER (2 MINUTES)**

JUDGE CHIP SMALL

**TOUR OF THE NEW ATJ WEB SITE (8 MINUTES)**

JOAN FAIRBANKS, WSBA ACCESS TO JUSTICE MANAGER

**LEGAL SERVICES FUNDING STRATEGIES FOR 2001 STATE LEGISLATIVE SESSION (15 MINUTES)**

GAIL STONE, WSBA LEGISLATIVE PROGRAMS LIAISON

ERIN HYPPA, EQUAL JUSTICE COALITION

**PROPOSED CIVIL LEGAL NEEDS ASSESSMENT (2 MINUTES)**

JOAN FAIRBANKS

**STATUS OF IOLTA (3 MINUTES)**

BARBARA CLARK, DIRECTOR OF THE LEGAL FOUNDATION OF WASHINGTON

**KEY PRO BONO INITIATIVES THIS YEAR (5 MINUTES)**

EUGENE SCHUSTER, WSBA'S PRO BONO AND LEGAL AID COMMITTEE

**GAAP (GREATER ACCESS AND ASSISTANCE PROGRAM) (10 MINUTES)**

TOM QUINLAN, PRESIDENT, WASHINGTON YOUNG LAWYERS DIVISION

SUSAN DANIEL, CHAIR, ATJ BOARD/WYD GAAP COMMITTEE

**IMPEDIMENTS TO ACCESS TO JUSTICE COMMITTEE (5 MINUTES)**

JUDGE DENNIS SWEENEY, CO-CHAIR, ATJ BOARD IMPEDIMENTS COMMITTEE

**TECHNOLOGY: TECH BILL OF RIGHTS AND INTERACTIVE FORMS PROJECT (5 MINUTES)**

JUDGE CHIP SMALL

**PROPOSED COURTHOUSE FACILITATOR RULE (3 MINUTES)**

SCOTT SMITH, ATJ BOARD

**FAMILY LAW TASK FORCE REPORT AND RECOMMENDATIONS (3 MINUTES)**

SCOTT SMITH

**PROPOSED RULE ON UNBUNDLED LEGAL SERVICES (3 MINUTES)**

SCOTT SMITH

**POTENTIAL IMPACT OF WSBA'S GOAL #7 ON THE LOCAL ACCESS TO JUSTICE NETWORK (20 MINUTES)**

NONI BRUNER, PROGRAM DIRECTOR, BENTON-FRANKLIN LEGAL AID SOCIETY

JEFF HALL, BENTON COUNTY COURT ADMINISTRATOR

SHARON BROWN, BENTON COUNTY COURTHOUSE FACILITATOR

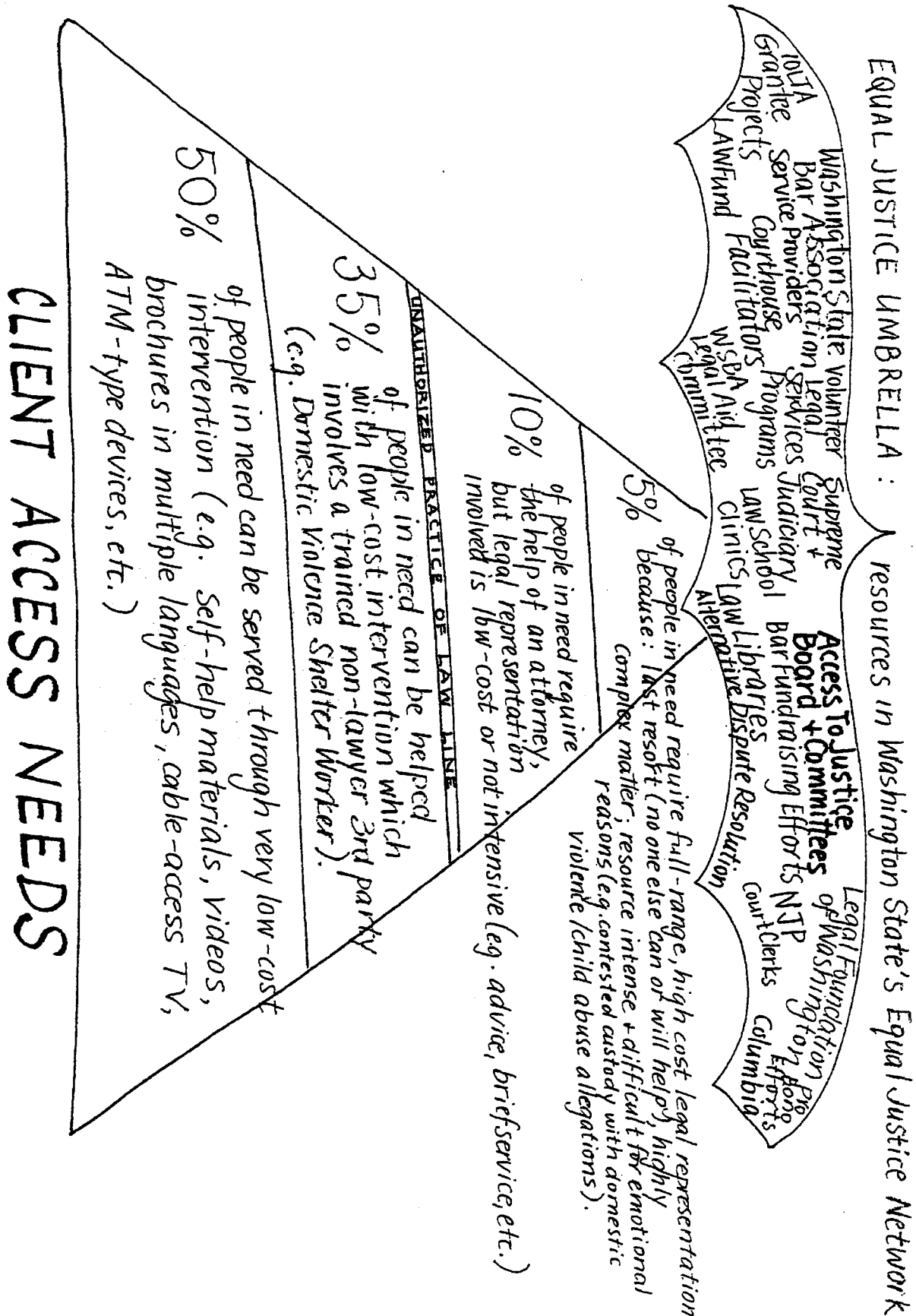
THERESA MEAD, BENTON/FRANKLIN DISPUTE RESOLUTION CENTER

MARY WELCH, COLUMBIA LEGAL SERVICES STAFF MEMBER?

**DEFINITION OF THE PRACTICE OF LAW (2 MINUTES)**

SCOTT SMITH AND JUDGE SMALL

# Pyramid of Client Services/Needs





## ACCESS TO JUSTICE BOARD

### CIVIL EQUAL JUSTICE PROGRAM PERFORMANCE STANDARDS

#### (OCTOBER 1999)

The Civil Equal Justice Program Performance Standards have been developed by the Access to Justice Board's Accountability Standards Committee. These standards represent the first attempt to articulate a uniform set of performance expectations for those engaged in the delivery of civil legal services to low income and vulnerable people in Washington State. These Performance Standards are based upon and integrate expectations from a variety of different funders. It is the committee's intent that the standards' design will ensure that information is accurately and objectively reported to grant makers.

The Performance Standards specify the major areas that grant recipients must address. Listed below each standard are specific indicators that service providers must adequately address to successfully meet the standards. Methods will be developed to enable grant makers to evaluate individual programs for compliance with each indicator, as well as monitor for effectiveness.

The intent of the Performance Standards is to create a uniform grant reporting system that provides funders and the Access to Justice Community with information necessary to ensure the most effective and economical delivery of high quality services. Uniform standards allow program staff to spend more time on client-related issues and less time fulfilling grant reporting requirements.

Two documents are integral to these standards and by reference here are made a formal part of the standards: the State Plan for the Delivery of Civil Legal Services to Low Income People in the State of Washington (Revised September 1999) and the Hallmarks of an Effective Statewide Civil Legal Services Delivery System (July 1995) on which the State Plan is based. These documents are attached. All three documents must be read together to fully understand and be able to implement the standards.

Finally, while it may be self-evident, it is important to acknowledge that limitations on funding, staff and technological resources directly affect the capacity of any individual program to meet the full range of expectations set out here. Nonetheless, these standards serve as the goal toward which all civil equal justice participants should strive.

#### **Performance Standard One: Strategic and Collaborative Planning**

The organization consults with Access to Justice partners, clients and other stakeholders to identify the most pressing needs of the client community. The organization delivers services that are responsive to client needs, consistent with the Hallmarks, the organization's duties under the state plan and the organization's mission.

#### **Indicators:**

The organization:

- embraces the Hallmarks, identifies its strategic role in the ATJ delivery system, and defines its target client population(s);
- periodically (i.e., 24 – 36 months or as circumstances dictate) undertakes a comprehensive reassessment of the most pressing legal problems of its target client population in consultation with clients, other social and human services providers, ATJ Network partners, and other entities with a stake in meeting the civil equal justice needs of low income and vulnerable people;
- defines client service priorities, goals and objectives that respond to identified legal problems;
- delivers services designed to meet client priorities, goals and objectives and states desired outcomes that are consistent with the organization's role under the State Plan;

- evaluates the effectiveness over time of client services in relationship to stated goals and objectives;
- adjusts service delivery plans in response to changing and/or emerging needs or unexpected results.

**Performance Standard Two: Development and Utilization of Resources**

The organization works collaboratively and strategically to marshal and leverage internal and external resources to achieve defineable outcomes that respond to the target client community's most pressing and critical legal needs.

**Indicators:**

The organization works collaboratively to:

- identify resource needs to accomplish desired outcomes;
- allocate responsibility to develop and secure resources;
- ensure highest and best use of all resources consistent with applicable statutory and contractual requirements;
- ensure that resources are used to achieve the broadest possible benefit for the target client community.

**Performance Standard Three: Client Access**

The organization facilitates access for its target client community by coordinating with existing and emerging client access systems, minimizing barriers to persons who need access to the justice system, and expanding the capacity of clients to effectively assert and defend their rights within the civil justice system.

**Indicators:**

The organization:

- identifies and coordinates with existing and emerging local, regional and statewide client intake, advice and referral systems, including but not limited to the CLEAR system;
- identifies and addresses barriers such as language, disability, lack of transportation, or other status, condition, or cause which results in lack of access;
- works to understand the broad range of values, cultures and aspirations represented within the client community, and develops internal capability to provide legal representation that is sensitive to these values, cultures and aspirations;
- fosters trust, affirms and reinforces the dignity of clients, is sensitive to each client's individual circumstances and, within resource limitations, is responsive to each client's legal problems;
- engages in efforts to increase client and client community understanding of the legal rights of low income people and the resources available through the Access to Justice Network, and to increase the ability of clients to assert and defend their rights within the civil justice system.
- increases program visibility, with particular emphasis on reaching those clients and client communities who suffer from conditions or circumstances which limit their capacity to self-identify legal problems and locate appropriate legal assistance resources.

**Performance Standard Four: Quality Assurance**

The organization develops and maintains the capability to ensure high quality client services.

**Indicators:**

The organization:

- achieves client-defined objectives consistent with applicable rules and standards governing professional responsibility;
- ensures effective supervision of client service activities;
- provides appropriate staff and management training opportunities and access to essential tools and technical expertise;
- performs a periodic evaluation of staff and management to ensure quality client services;
- recruits and provides appropriate support for a high quality, diverse and client-sensitive staff;
- adopts internal systems and standards for the timely, efficient and effective practice of law.

#### **Performance Standard Five: Effective Management and Administration**

The organization has management and administrative systems that enable staff and the organization to carry out work consistent with these standards.

##### **Indicators:**

The organization:

- has personnel and organizational management systems;
- develops and maintains internal communication and technology coordination;
- employs effective fiscal administration and record keeping;
- develops good external relations and communications capabilities;
- allocates resources in support of strategically developed service delivery activities and its Access to Justice Network responsibilities;
- complies with applicable grant and contract provisions.

#### **Performance Standard Six: Governance.**

The organization's board actively supports the mission and activities of the organization, and effectively exercises its oversight responsibility. The board ensures that the organization works in partnership with the Washington Access to Justice Network and supports the Hallmarks and the State Plan for the Delivery of Civil Legal Services to Low Income People in the State of Washington.

##### **Indicators:**

The organization ensures:

- board members are knowledgeable and committed to access to justice, the mission of the organization and the role of the organization in the larger Access to Justice Network;
- the board actively and appropriately engages in program governance and oversight;
- governance structure serves the organization's mission and ensures the highest and best use of the organization's resources;
- the board is knowledgeable about the program's activities.

## WASHINGTON STATE'S LEGAL SERVICES PROVIDER NETWORK

In response to federal funding cuts and advocacy restrictions, Washington state has created an innovative and integrated delivery system which is designed to provide a full range of legal services to the broadest spectrum of clients in need. The legal services providers that make up this delivery system include four main partners: **Columbia Legal Services**, the **Northwest Justice Project**, **Volunteer Attorney Programs** and **Specialized Legal Services Providers**. These providers work under the umbrella of the Washington State Access to Justice Network, a framework that ensures quality legal assistance is delivered to Washington's low income residents in a coordinated and cost-effective manner.

Legal Services in Washington is a model public-private partnership. Its providers leverage state, federal and private funding to provide critically needed legal assistance for thousands of low income people a year. There are four **Foundations** in Washington that exist primarily for the support of the work of Washington State's Legal Services Provider Network.

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### COLUMBIA LEGAL SERVICES

CLS is a full-service, statewide legal services program dedicated to ensuring that a full range of legal services is available to all of Washington's low income population, in particular, vulnerable and hard to serve special needs populations that face unique barriers to the justice system.

### NORTHWEST JUSTICE PROJECT

The federal statewide partner in the Access to Justice Network, NJP provides direct services to low income clients and serves as a primary point of access for clients through a centralized, statewide referral system called CLEAR (Coordinated Legal Education, Advice and Referral).

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### VOLUNTEER ATTORNEY PROGRAMS

More than 4,000 attorneys provide free legal services for low income clients through Washington's network of 23 Volunteer Attorney Programs. Types of cases handled by attorneys participating in these programs include housing, protection of financial resources, consumer protection and family law.

- **Benton-Franklin Legal Aid Society:** Volunteer attorneys provide legal representation, parenting plan assistance, and dissolution clinics in conjunction with the Volunteer Center and the Benton-Franklin Counties Bar Association.
- **Blue Mountain Action Council:** Volunteer attorneys from Walla Walla and Columbia Counties provide direct representation, family law clinics and pro se document review.
- **Chelan-Douglas Legal Aid:** Volunteer attorneys provide legal advice, representation and pro se dissolution assistance in conjunction with the Community Action Agency and the Chelan-Douglas County Bar Association.
- **Clallam County Pro Bono Lawyers:** Volunteer attorneys provide legal advice and direct representation in a variety of civil legal areas.
- **Clark County Volunteer Lawyers Program:** Volunteer attorneys provide legal representation, advice, a bankruptcy clinic, and dissolution classes.
- **Cowlitz Wahkiakum Legal Aid:** Volunteer attorneys from Cowlitz and Wahkiakum counties provide advice clinics and representation to low income people.
- **Eastside Legal Assistance Program:** Volunteer attorneys provide legal advice, dissolution workshops, and representation in east King County.
- **Grays Harbor Bar Pro Bono Program:** Volunteer attorneys provide legal advice, representation and dissolution clinics, in conjunction with Coastal Community Action.
- **Jefferson County Bar Association:** Volunteer attorneys assist with monthly Do-It-Yourself Dissolution Workshops.

## King County Bar:

**Family Law Clinic:** Volunteer attorneys provide family law representation, advice and classes.

**King County Bar Association Volunteer Attorneys for Persons with AIDS/HIV and AIDS Legal Access:** This is a free service that finds volunteer, reduced, or full-fee attorneys for persons who are living with HIV or who have legal problems related to HIV.

**Neighborhood Legal Clinics:** Volunteer attorneys provide 30 minutes of free legal consultation.

**Newcomers Resource Coordination Project:** This project coordinates and directs newcomers, refugees and immigrants to the legal resources currently available in King County. The program serves the newcomer community through three specialized clinics, community workshops, and referral to pro bono attorneys to assist newcomers on issues other than immigrant issues. A panel of volunteer and low-cost interpreters is also available as required.

**Self-Help Plus:** This program assists low and moderate-income King County residents to do their own non-contested divorce, and child support or minor parenting plan matters.

**Volunteer Legal Services:** Volunteer attorneys provide legal representation in a variety of civil legal areas.

■ **Kitsap County Volunteer Attorney Services:** Volunteer attorneys provide legal representation, advice, and dissolution clinics in conjunction with Kitsap Community Action Program and the Kitsap County Bar Association.

■ **Kittitas County Volunteer Legal Services:** Volunteer attorneys provide representation, advice and dissolution clinics.

■ **Law Advocates:** Volunteer attorneys from the Whatcom County Bar Association provide legal assistance, advice and a dissolution clinic.

■ **Lewis County Bar Legal Aid:** Volunteer attorneys from the Lewis County Bar Association provide legal representation and advice.

■ **North Columbia Low Income Legal Assistance:** Volunteer attorneys from the Grant and Adams County Bar Associations provide advice, representation, and

divorce assistance in conjunction with the Community Action Council

■ **Northeast Washington Legal Aid Program:** Volunteer attorneys in Stevens, Ferry and Pend Oreille Counties provide advice, legal representation and dissolution classes.

■ **Okanogan Legal Services Program:** Volunteer attorneys from the Okanogan County Bar Association provide advice, representation, and pro se dissolution assistance, in conjunction with the Community Action Council.

■ **Skagit County Volunteer Lawyers Program:** Volunteer attorneys from the Skagit County Bar Association provide legal advice, representation, and dissolution assistance with the assistance of the Community Action Agency.

■ **Snohomish County Legal Services:** Volunteer attorneys from the Snohomish County Bar Association provide advice, family law self-help classes and legal representation.

■ **Spokane Bar Association Volunteer Lawyers Program:** Volunteer attorneys from the Spokane County Bar Association provide representation and legal advice.

■ **Tacoma-Pierce County Bar Volunteer Legal Services Program:** Volunteer attorneys from the Tacoma-Pierce County Bar Association provide dissolution self-help classes, legal advice through a neighborhood legal clinic, and direct representation.

■ **Thurston County Volunteer Legal Clinic:** Volunteer attorneys provide 30 minutes of free legal consultation in the general areas of family law, consumer law and landlord-tenant law

■ **Thurston-Mason Pro Bono Program:** Volunteer attorneys provide direct representation in these counties.

■ **Whitman County Pro Bono Program:** Volunteer attorneys provide representation, legal advice, and a dissolution clinic in conjunction with the Community Action Center.

■ **Yakima Bar Association/YWCA Volunteer Attorney Services:** Volunteer attorneys, with support from the Yakima YWCA, provide legal representation, advice, and dissolution assistance.

## SPECIALIZED LEGAL SERVICES PROVIDERS

- **Fremont Public Association:** The program provides King and Snohomish County residents with representation in public entitlement cases.
  - **Legal Action Center:** The program provides advice, consultation and representation in landlord/tenant, debtor/creditor and consumer protection cases at six sites in King County.
  - **Northwest Immigrants Rights Project:** The program provides statewide immigration assistance to low income persons.
  - **Northwest Women's Law Center:** Staff and volunteers provide family law information and referral and workshops statewide.
  - **TeamChild:** The program assists young people in the juvenile justice system concerning their rights to education, health care and other social services.
  - **The Tenants Union:** A statewide toll-free "hotline" provides landlord/tenant information to callers.
  - **Unemployment Law Project:** Low income persons receive counseling, assistance and representation in unemployment hearings statewide.
  - **University Legal Assistance:** Gonzaga Law School student interns provide family law legal assistance for low income clients in Spokane County.
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## FOUNDATIONS

**King County Bar Foundation:** KCBF is a charitable and educational foundation which promotes programs that increase legal remedies to the poor, enhance public understanding of the law, and increase minority participation in the legal profession.

**LAW Fund:** Created by members of the private bar in 1991, LAW Fund seeks to institutionalize private support for civil legal services programs in Washington State by raising funds to preserve and expand civil legal services for low income people.

**Legal Foundation of Washington:** LFW is dedicated to the provision of equal access to the justice system by funding legal and education programs for low income persons through the fair and efficient administration of IOLTA and other available funds.

**Pierce County Bar Foundation:** Created in 1996, the Foundation's purpose is to carry on law-related educational and charitable activities, with a primary focus the support of the Tacoma-Pierce County Bar Association's Volunteer Legal Services Program.

M E M B E R



WASHINGTON STATE  
ACCESS TO JUSTICE NETWORK

# 2000 LEGAL SERVICES PROVIDERS

